D.B.CIVIL SPECIAL APPEAL NO.700/2007

DATE OF ORDER : 30.07.2007.

HON'BLE MR. P.B. MAJMUDAR,J.
HON'BLE MR. DEO NARAYAN THANVI,J.

Mr. G.J.Gupta for the appellant.

This special appeal is preferred against the decision of learned Single Judge delivered in S.B. Civil Writ Petition no.1397/2007. The learned Single Judge has observed that in response to notice under Section 13(1) of the Rajasthan Agricultural Credit Operation (Removal of Difficulties) Act, 1974 and Rajasthan Agricultural Credit Operation (Removal of Difficulties) Rules, 1976, the petitioner appeared on 30.11.2006 and prayed for time to make payment of the loan. He was granted 20 days' time by the concerned authority. However, no such payment was made and accordingly, the authority below has rightly proceeded against the appellant under the Act of 1974 and the Rules of 1976.

The learned counsel for the appellant submitted that the appellant has already taken objection before the concerned authority to the effect that no such proceedings could have been initiated against the appellant. The concerned authority may take appropriate decision on the said application in accordance with law and may pass appropriate order as per law. It is also submitted by the learned counsel for the appellant that the authority is required to determine the actual amount due from the borrower. The concerned authority may also consider this aspect of the matter in accordance with law.

No interference of this Court is called for in the order of the learned Single Judge. Subject to aforesaid observations, the present appeal is dismissed. No order as to costs.

(DEO NARAYAN THANVI)J. (P.B. MAJMUDAR)J.
Ss/-